

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Sep 07, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RAYMOND WETMORE-TINNEY,

Petitioner,

v.

SUPERIOR COURT, JOHN DOE, JANE  
DOE, SPOKANE PROSECUTORS'  
OFFICE, SPOKANE COUNTY JAIL and  
JAIL COMMANDER BARBER,

Respondents.

No. 2:21-CV-00195-SAB

**ORDER DISMISSING ACTION  
WITHOUT PREJUDICE**

Before the Court is Petitioner's Response to the Order to show cause why this action should not be dismissed. ECF No. 11. Petitioner, a pre-trial detainee at Spokane County Detention Services, is proceeding *pro se* and *in forma pauperis*; Respondents have not been served.

By Order filed July 30, 2021, the Court found that federal intervention in Petitioner's pending state court criminal proceedings was not warranted under *Younger v. Harris*, 401 U.S. 37, 41 (1971). ECF No. 10. Petitioner had initiated this action with a Petition for Writ of Mandamus. ECF No. 1. He now acknowledges that a Habeas Corpus Petition pursuant to 28 U.S.C. § 2241 is the appropriate vehicle to challenge pre-trial confinement.

**ORDER DISMISSING ACTION WITHOUT PREJUDICE -- 1**

1 Nevertheless, Petitioner has presented no facts from which this Court could  
2 infer that federal habeas relief is warranted at this time. Petitioner asserts, “There is  
3 a clear absence of a[n] adequate, effective state remedy, which would cause  
4 extraordinary harm/irreparable harm.” ECF No. 11 at 2. He then describes the  
5 health of his mother and his efforts to “help keep her out of a nursing home.” *Id.*

6 Petitioner claims that “the state is using false fta’s [presumably accusations  
7 that Petitioner failed to appear at hearings] and false charges to keep him  
8 incarcerated in jail at the time of issuance.” *Id.* Petitioner presents no factual  
9 support for his assertions, arguing only that he is being “deni[ed] his presumption  
10 [sic] of innocence” and his “8<sup>th</sup> Amend, and Due process and Equal Protection of  
11 laws” are being violated. *Id.* He requests discovery. *Id.*

12 Although Petitioner avers that “due process and bail claims are immediately  
13 reviewable in federal court,” *id.* at 3-4, he offers no facts from which the Court  
14 could infer that he has been denied due process or subjected to excessive bail  
15 without a constitutional hearing. Furthermore, Petitioner argues that *Younger*  
16 abstention is not applicable to his case, but he does not support his argument with  
17 any facts. *Id.* at 5.

18 Petitioner claims that he is entitled to the relief he seeks “because he is  
19 innocent of these false new charges and never found guilty and never comitted  
20 [sic] a crime as Exhibit 1 page 2 at 4 states.” *Id.* Petitioner’s unsupported, self-  
21 serving declarations provide no basis for this Court to intervene in his state court  
22 criminal proceedings.

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1 Therefore, for the reasons set forth above and in the Order to Show Cause,  
2 ECF No. 10, **IT IS HEREBY ORDERED:**

3 1. This action is **DISMISSED without prejudice** to Petitioner seeking  
4 appropriate relief in his state court criminal proceedings.

5 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,  
6 enter judgment, provide copies to Petitioner, and **close** the file. The Court certifies  
7 that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be  
8 taken in good faith and there is no basis upon which to issue a certificate of  
9 appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of  
10 appealability is therefore **DENIED**.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

16 Stanley A. Bastian  
17 Chief United States District Judge  
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